



Posted: Friday, August 07, 2015

## NOTICE AND CALL OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold a regular meeting on  
**WEDNESDAY, AUGUST 12, 2015 at 6:00 PM**

### No Closed Session

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ADJOURN TO CLOSED SESSION – No Closed Session
- IV. RECONVENE TO OPEN SESSION
- V. APPROVAL OF AGENDA
- VI. APPROVAL OF MINUTES – *No Minutes to Approve*
- VII. COUNCIL MEMBER REPORTS, COMMITTEE ASSIGNMENTS
- VIII. CITY MANAGER & STAFF REPORTS
- IX. PROCLAMATIONS & ANNOUNCEMENTS
  - 1. Recognition of Lesbian, Gay, Bisexual, and Transgender Awareness Month September 2015.
- X. ITEMS FROM THE FLOOR

*(Three (3) minute limit per Speaker unless Council approves request for extended time.)*
- XI. CONSENT AGENDA
  - 1. Financial Status Reports for June 2015.
  - 2. Adoption of Humboldt Low Impact Development Stormwater Manual.
- IX. DISCUSSION/ACTION AGENDA ITEMS
  - 1. Discussion/Decision regarding Stormwater Control Ordinance 2015-01 – Second Reading.
  - 2. Discussion/Decision regarding Planning Commissioner Appointment.
  - 3. Discussion/Decision regarding Establishing a Design Recognition Committee to Recognize Quality Community Design.
  - 4. Discussion/Decision regarding Proposed Extension of Ordinance 2015-02; Temporary Moratorium on Issuance of Vacation Dwelling Unit Permits.
  - 5. Discussion/Decision regarding City of Trinidad Inclusion in the California HERO Program.
  - 6. Discussion/Presentation regarding Community Choice Aggregation Presentation from Redwood Coast Energy Authority.
- X. ADJOURNMENT

**TRINIDAD CITY HALL**

P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Julie Fulkerson, Mayor**  
**Gabriel Adams, City Clerk**



**PROCLAMATION IN RECOGNITION OF LESBIAN, GAY, BISEXUAL, AND  
TRANSGENDER AWARENESS MONTH SEPTEMBER 2015.**

**WHEREAS**, one of our nation's greatest strengths is the rich diversity of its people. Lesbian, Gay, Bisexual, and Transgender Americans form an important part of our national tapestry, and have contributed to many facets of our society. However, they are still marginalized, discriminated against, physically and emotionally attacked; and

**WHEREAS**, the City of Trinidad recognizes and celebrates the step forward our nation has made with marriage equality, but the challenge and struggle for full equality continues for Trinidad residents or visitors, including those in its Lesbian, Gay, Bisexual and Transgender community; and

**WHEREAS**, the 23rd annual Lesbian, Gay, Bisexual and Transgender Parade and Festival will be held in the City of Eureka on September 12th, 2015; and

**WHEREAS**, the Humboldt Pride 2015 Festival invites all people from Humboldt County, Northern California and Southern Oregon to celebrate our diverse community with a week-long series of events from September 5 through 12, 2015, culminating with the Pride Parade and Festival at Halvorsen Park.

**THEREFORE, LET IT BE PROCLAIMED** that the City Council of the City of Trinidad designates September 2015 to be LESBIAN, GAY, BISEXUAL AND TRANSGENDER AWARENESS MONTH in the City of Trinidad.

Attest:

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**Gabriel Adams**  
Trinidad City Clerk

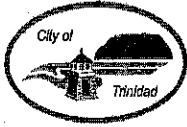
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**Julie Fulkerson**  
Mayor, City of Trinidad

**APPROVAL OF MINUTES FOR:**

**Supporting Documentation follows with: 0 PAGES**

***No Minutes To Approve***



## **CONSENT AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES**

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1. Financial Status Reports for June 2015.

**City of Trinidad**  
**Statement of Revenues and Expenditures - GF Revenue**  
**From 6/1/2015 Through 6/30/2015**

		Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue					
41010	PROPERTY TAX - SECURED	0.00	80,214.66	90,035.00	(10.91)%
41020	PROPERTY TAX - UNSECURED	0.00	3,125.32	3,015.00	3.66%
41040	PROPERTY TAX-PRIOR UNSECURED	0.00	80.93	50.00	61.86%
41050	PROPERTY TAX - CURRENT SUPPL	0.00	276.80	485.00	(42.93)%
41060	PROPERTY TAX-PRIOR SUPPL	0.00	142.51	200.00	(28.75)%
41071	MOTOR VEHICLES	0.00	348.27	1,240.00	(71.91)%
41072	PROP TX - BOOKING FEES	0.00	52.77	0.00	0.00%
41100	PROPERTY TAX - INTEREST +	0.00	0.00	20.00	100.00)%
41110	PROPERTY TAX EXEMPTION	0.00	1,058.93	667.00	58.76%
41130	PUBLIC SAFETY 1/2 CENT	0.00	1,383.54	1,640.00	(15.64)%
41140	PROPERTY TAX - DOCUMENTARY RE	0.00	1,659.90	1,450.00	14.48%
41190	PROPERTY TAX ADMINISTRATION FE	0.00	(2,238.00)	(2,373.00)	(5.69)%
41200	LAFCO Charge	0.00	(1,204.69)	(380.00)	217.02%
41210	IN-LIEU SALES & USE TAX	0.00	28,551.78	27,100.00	5.36%
41220	IN LIEU VLF	0.00	27,838.00	28,070.00	(0.83)%
42000	SALES & USE TAX	9,148.40	140,806.75	181,600.00	(22.46)%
43000	TRANSIENT LODGING TAX	0.00	114,565.78	126,000.00	(9.07)%
43100	TRANSIENT LODGING TAX-TBID	0.00	(24,983.54)	0.00	0.00%
47310	VEHICLE LICENSE COLLECTION	0.00	150.75	0.00	0.00%
53010	COPY MACHINE FEE	0.00	0.00	15.00	100.00)%
53020	INTEREST INCOME	132.52	2,264.84	13,000.00	(82.58)%
53090	OTHER MISCELLANEOUS INCOME	0.00	4,048.58	800.00	406.07%
54020	PLANNER- APPLICATION PROCESSIN	900.00	15,196.73	5,000.00	203.93%
54050	BLDG.INSR-APPLICATION PROCESSI	281.25	10,955.10	7,000.00	56.50%
54100	ANIMAL LICENSE FEES	0.00	120.00	300.00	(60.00)%
54150	BUSINESS LICENSE TAX	3,350.00	15,827.00	9,900.00	59.87%
54300	ENCROACHMENT PERMIT FEES	50.00	150.00	400.00	(62.50)%
56400	RENT - VERIZON	2,058.56	24,240.74	22,735.00	6.62%
56500	RENT - HARBOR LEASE	0.00	0.00	5,125.00	100.00)%
56550	RENT - PG& E	0.00	9,630.61	8,750.00	10.06%
56650	RENT - SUDDENLINK	0.00	3,814.75	4,825.00	(20.94)%
56700	RENT - TOWN HALL	(392.00)	4,536.00	7,000.00	(35.20)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	65,000.00	100.00)%
	Total Revenue	15,528.73	462,614.81	608,669.00	(24.00)%

**City of Trinidad**  
**Statement of Revenues and Expenditures - GF Expense**  
**201 - GFAdmin**  
**From 6/1/2015 Through 6/30/2015**

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
60900	HONORARIUMS	250.00	2,950.00	2,500.00	(18.00)%
61000	EMPLOYEE GROSS WAGE	12,875.42	110,504.18	111,770.00	1.13%
61470	FRINGE BENEFITS	46.16	582.88	600.00	2.85%
65100	DEFERRED RETIREMENT	552.47	5,017.47	5,082.00	1.27%
65200	MEDICAL INSURANCE AND EXPENSE	876.44	10,071.87	10,068.00	(0.04)%
65250	Health Savings Program	8.13	657.77	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	36.92	924.93	4,471.00	79.31%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	50.00	491.73	750.00	34.44%
65600	PAYROLL TAX	929.34	8,778.88	8,939.00	1.79%
65800	Grant Payroll Allocation	(380.26)	(3,698.41)	(2,500.00)	(47.94)%
68090	CRIME BOND	0.00	700.00	455.00	(53.85)%
68200	INSURANCE - LIABILITY	0.00	11,355.05	8,830.00	(28.60)%
68300	PROPERTY & CASUALTY	0.00	3,555.50	4,280.00	16.93%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	240.00	20,000.00	98.80%
71130	ATTORNEY-LITIGATION	0.00	0.00	10,000.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	2,000.00	100.00%
71310	CITY PLANNER-ADMIN. TASKS	5,774.50	46,401.57	45,000.00	(3.11)%
71410	BLDG INSPECTOR-ADMIN TASKS	310.26	4,609.70	8,000.00	42.38%
71510	ACCOUNTANT-ADMIN TASKS	782.40	13,907.90	11,050.00	(25.86)%
71620	AUDITOR-FINANCIAL REPORTS	0.00	12,285.00	12,285.00	0.00%
72000	CHAMBER OF COMMERCE	0.00	15,607.56	15,045.00	(3.74)%
74110	GRANT EXPENSE	0.00	37.90	0.00	0.00%
74200	REIMBURSED GRANT ADMIN EXP	0.00	0.00	(700.00)	100.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	873.03	4,490.53	5,700.00	21.22%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	500.00	100.00%
75170	RENT	650.00	7,800.00	8,190.00	4.76%
75180	UTILITIES	852.06	7,815.58	10,250.00	23.75%
75190	DUES & MEMBERSHIP	0.00	1,298.73	270.00	(381.01)%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	3,371.59	5,700.00	40.85%
75220	OFFICE SUPPLIES & EXPENSE	599.72	4,094.42	6,000.00	31.76%
75240	BANK CHARGES	0.00	187.21	200.00	6.39%
75280	TRAINING / EDUCATION	0.00	395.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	8,134.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	663.25	100.00	(563.25)%
76110	TELEPHONE	106.90	1,578.20	1,550.00	(1.82)%
76130	CABLE & INTERNET SERVICE	294.45	3,335.61	4,900.00	31.93%
76150	TRAVEL	0.00	563.20	1,500.00	62.45%
78120	STREET LIGHTING	0.00	95.81	0.00	0.00%
78130	TRAIL MAINTENANCE	0.00	20.41	0.00	0.00%
78170	SECURITY SYSTEM	0.00	258.00	1,590.00	83.77%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	0.00	1,500.00	100.00%
	Total Expense	25,487.94	280,949.02	334,009.00	15.89%

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
301 - Police  
From 6/1/2015 Through 6/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	201.08	3,303.48	3,327.00	0.71%
65100	DEFERRED RETIREMENT	0.00	32.29	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	13.72	133.00	89.68%
65600	PAYROLL TAX	28.58	289.10	255.00	(13.37)%
75170	RENT	650.00	7,800.00	8,190.00	4.76%
75180	UTILITIES	44.34	1,687.74	2,485.00	32.08%
75220	OFFICE SUPPLIES & EXPENSE	0.00	0.00	400.00	100.00%
75300	CONTRACTED SERVICES	0.00	60,704.62	88,085.00	31.08%
75350	ANIMAL CONTROL	113.00	1,356.00	1,925.00	29.56%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,000.00	100.00%
76110	TELEPHONE	83.33	1,027.34	1,630.00	36.97%
78150	VEHICLE REPAIRS	24.43	24.43	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	102.19	0.00	0.00%
	Total Expense	<u>1,144.76</u>	<u>76,340.91</u>	<u>107,430.00</u>	<u>28.94%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
401 - Fire  
From 6/1/2015 Through 6/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
60900	HONORARIUMS	150.00	1,800.00	1,800.00	0.00%
75180	UTILITIES	41.64	498.64	1,150.00	56.64%
75190	DUES & MEMBERSHIP	0.00	35.00	35.00	0.00%
75280	TRAINING / EDUCATION	0.00	195.00	400.00	51.25%
75300	CONTRACTED SERVICES	0.00	3,894.00	25,160.00	84.52%
76110	TELEPHONE	0.00	216.74	300.00	27.75%
76140	RADIO & DISPATCH	1,712.50	1,712.50	450.00	(280.56)%
78120	STREET LIGHTING	0.00	36.13	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	178.69	350.00	48.95%
78150	VEHICLE REPAIRS	0.00	211.68	2,500.00	91.53%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	7,820.08	10,500.00	25.52%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,273.43	2,500.00	49.06%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	100.54	400.00	74.86%
	Total Expense	<u>1,904.14</u>	<u>17,972.43</u>	<u>45,545.00</u>	<u>60.54%</u>



**City of Trinidad**  
Statement of Revenues and Expenditures - GF Expense  
501 - PW (Public Works)  
From 6/1/2015 Through 6/30/2015

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
	Expense				
61000	EMPLOYEE GROSS WAGE	4,628.54	42,179.66	40,126.00	(5.12)%
61250	OVERTIME	0.00	0.00	500.00	100.00%
65100	DEFERRED RETIREMENT	446.80	4,176.02	4,296.00	2.79%
65200	MEDICAL INSURANCE AND EXPENSE	1,216.48	16,270.00	28,435.00	42.78%
65250	Health Savings Program	12.25	599.39	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	219.52	1,704.00	87.12%
65600	PAYROLL TAX	371.40	3,490.23	3,587.00	2.70%
65800	Grant Payroll Allocation	(44.74)	(2,958.45)	(500.00)	(491.69)%
71210	CITY ENGINEER-ADMIN. TASKS	1,749.50	6,422.25	4,800.00	(33.80)%
71250	CITY ENGINEER - PROJECT FEES	0.00	537.00	6,000.00	91.05%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	20.75	0.00	0.00%
75180	UTILITIES	0.00	164.98	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	38.27	0.00	0.00%
75240	BANK CHARGES	0.00	15.00	0.00	0.00%
75300	CONTRACTED SERVICES	647.50	9,030.50	31,500.00	71.33%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	0.00	450.00	100.00%
76110	TELEPHONE	0.00	56.70	0.00	0.00%
76160	LICENSES & FEES	0.00	460.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	684.00	3,562.98	5,000.00	28.74%
78120	STREET LIGHTING	356.62	4,322.86	4,000.00	(8.07)%
78130	TRAIL MAINTENANCE	0.00	113.86	2,500.00	95.45%
78140	VEHICLE FUEL & OIL	106.66	3,886.05	4,700.00	17.32%
78150	VEHICLE REPAIRS	0.00	85.88	2,500.00	96.56%
78160	BUILDING REPAIRS & MAINTENANCE	1,108.13	33,556.08	45,000.00	25.43%
78190	MATERIALS, SUPPLIES & EQUIPMEN	48.69	15,100.42	16,000.00	5.62%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	500.00	100.00%
	Total Expense	<u>11,331.83</u>	<u>141,349.95</u>	<u>201,098.00</u>	<u>29.71%</u>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
204 - IWM  
From 6/1/2015 Through 6/30/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
47650	RECYCLING REVENUE	408.31	8,194.54	5,640.00	45.29%
56150	FRANCHISE FEES	0.00	6,250.29	7,000.00	(10.71)%
	Total Revenue	408.31	14,444.83	12,640.00	14.28%
	Expense				
61000	EMPLOYEE GROSS WAGE	1,110.20	10,330.96	9,716.00	(6.33)%
65100	DEFERRED RETIREMENT	117.05	1,205.85	1,251.00	3.61%
65200	MEDICAL INSURANCE AND EXPENSE	321.38	4,379.66	7,302.00	40.02%
65250	Health Savings Program	3.50	170.74	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	54.88	344.00	84.05%
65600	PAYROLL TAX	83.56	860.88	767.00	(12.24)%
65800	Grant Payroll Allocation	0.00	(493.08)	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	0.00	273.00	500.00	45.40%
75250	TRANSIT SERVICES- HTA	(4,468.00)	0.00	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,074.63	1,000.00	(7.46)%
	Total Expense	(2,832.31)	17,857.52	21,380.00	16.48%
	Net Income	3,240.62	(3,412.69)	(8,740.00)	(60.95)%

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
601 - Water  
From 6/1/2015 Through 6/30/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
<b>Revenue</b>					
53020	INTEREST INCOME	0.00	0.00	4,000.00	(100.00)%
53090	OTHER MISCELLANEOUS INCOME	450.00	7,019.06	2,500.00	180.76%
57100	WATER SALES	24,098.04	297,122.19	305,000.00	(2.58)%
57300	NEW WATER HOOK UPS	0.00	0.00	3,000.00	(100.00)%
57500	WATER A/R PENALTIES	405.60	10,261.79	2,000.00	413.09%
	<b>Total Revenue</b>	<b>24,953.64</b>	<b>314,403.04</b>	<b>316,500.00</b>	<b>(0.66)%</b>
<b>Expense</b>					
61000	EMPLOYEE GROSS WAGE	9,878.09	82,131.24	79,032.00	(3.92)%
61250	OVERTIME	0.00	0.00	2,000.00	100.00%
65100	DEFERRED RETIREMENT	1,031.77	9,117.74	9,081.00	(0.40)%
65200	MEDICAL INSURANCE AND EXPENSE	2,533.46	29,502.17	42,045.00	29.83%
65250	Health Savings Program	21.77	1,085.09	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	23.78	449.10	3,229.00	86.09%
65600	PAYROLL TAX	770.44	6,890.73	6,871.00	(0.29)%
65800	Grant Payroll Allocation	(22.37)	(6,044.49)	(1,000.00)	(504.45)%
68200	INSURANCE - LIABILITY	0.00	3,421.95	4,755.00	28.03%
68300	PROPERTY & CASUALTY	0.00	1,914.50	2,305.00	16.94%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	500.00	100.00%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	1,828.00	4,000.00	54.30%
71500	ACCOUNTANT-MEETINGS	0.00	256.55	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	421.30	5,337.84	5,950.00	10.29%
71620	AUDITOR-FINANCIAL REPORTS	0.00	6,615.00	6,615.00	0.00%
72100	BAD DEBTS	0.00	0.00	350.00	100.00%
75180	UTILITIES	1,012.58	10,589.92	15,835.00	33.12%
75190	DUES & MEMBERSHIP	435.00	3,140.50	700.00	(348.64)%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	73.24	575.00	87.26%
75220	OFFICE SUPPLIES & EXPENSE	140.00	3,160.37	3,500.00	9.70%
75230	INTEREST EXPENSE	0.00	6.46	0.00	0.00%
75240	BANK CHARGES	0.00	0.00	150.00	100.00%
75280	TRAINING / EDUCATION	0.00	160.00	500.00	68.00%
75300	CONTRACTED SERVICES	0.00	0.00	7,000.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	250.00	100.00%
76110	TELEPHONE	42.12	973.76	1,000.00	2.62%
76130	CABLE & INTERNET SERVICE	61.95	616.70	620.00	0.53%
76160	LICENSES & FEES	0.00	634.24	2,475.00	74.37%
78120	STREET LIGHTING	0.00	1,576.32	0.00	0.00%
78140	VEHICLE FUEL & OIL	346.69	1,338.95	2,500.00	46.44%
78150	VEHICLE REPAIRS	0.00	1,476.61	2,000.00	26.17%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	0.00	1,200.00	100.00%
78170	SECURITY SYSTEM	0.00	328.75	500.00	34.25%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	1,812.57	6,000.00	69.79%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,000.00	100.00%
79100	WATER LAB FEES	305.00	2,808.00	4,500.00	37.60%
79120	WATER PLANT CHEMICALS	380.41	7,108.57	12,000.00	40.76%
79130	WATER LINE HOOK-UPS	0.00	0.00	3,000.00	100.00%
79150	WATER LINE REPAIR	0.00	5,164.65	20,000.00	74.18%
79160	WATER PLANT REPAIR	200.79	6,774.79	10,000.00	32.25%
90000	Capital Reserves	0.00	0.00	15,000.00	100.00%
	<b>Total Expense</b>	<b>17,582.78</b>	<b>190,249.82</b>	<b>276,038.00</b>	<b>31.08%</b>

**City of Trinidad**  
Statement of Revenues and Expenditures - Monthly Reports  
701 - Cemetery  
From 6/1/2015 Through 6/30/2015

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
	Revenue				
53020	INTEREST INCOME	0.00	0.00	900.00	(100.00)%
58100	CEMETERY PLOT SALES	6,520.00	17,269.83	7,500.00	130.26%
	Total Revenue	6,520.00	17,269.83	8,400.00	105.59%
	Expense				
61000	EMPLOYEE GROSS WAGE	2,004.77	13,666.57	12,210.00	(11.93)%
65100	DEFERRED RETIREMENT	164.41	1,547.85	1,585.00	2.34%
65200	MEDICAL INSURANCE AND EXPENSE	410.93	5,533.59	9,336.00	40.73%
65250	Health Savings Program	4.35	209.67	0.00	0.00%
65300	WORKMEN'S COMP INSURANCE	0.00	68.60	528.00	87.01%
65600	PAYROLL TAX	117.39	1,105.17	1,132.00	2.37%
65800	Grant Payroll Allocation	0.00	(663.80)	(50.00)	(1,227.60)%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	1,009.50	0.00	0.00%
75180	UTILITIES	42.66	654.12	700.00	6.55%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	3,642.46	1,000.00	(264.25)%
	Total Expense	2,744.51	26,773.73	26,441.00	(1.26)%
	Net Income	3,775.49	(9,503.90)	(18,041.00)	(47.32)%



## **CONSENT AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:     1 PAGES**

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2.     Adoption of Humboldt Low Impact Development Stormwater Manual

## **CONSENT AGENDA ITEM**

**Date: August 12, 2015**

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### **Item: Adoption of Humboldt Low Impact Development Stormwater Manual**

The City's new Stormwater Control Ordinance is being recommended for final adoption at this August 12<sup>th</sup> 2015 meeting. Part of that Ordinance directs building permit applicants to utilize the technical details in the current version of the "Humboldt Low Impact Development Stormwater Manual" (LID Manual). The current LID Manual was developed by the County of Humboldt in collaboration with the Cities of Eureka, Arcata, Fortuna and Trinidad, and will be consistent across all areas of the County subject to the MS4 Permit requirements. The Manual will be revised and updated periodically by the County, at which point the City will need to repeat this step of formally accepting and adopting the most current version.

#### **Who will be required to use the Humboldt LID Manual?**

The post construction requirements for building and planning projects go into effect July 1, 2015. Project owners, building and landscape designers, developers and contractors developing projects that require planning, grading or building permits must comply with the terms, provisions, and conditions required by the current version of the Humboldt LID Manual. These are new requirements for projects going through the Planning and Building process and include additional conditions for controlling stormwater onsite after the project is completed.

#### **How will the planning and building application process change?**

To begin the planning and permit application process project proponents will submit a "Stormwater Information Sheet" which will be used to determine whether the project is an "exempt project" a "small project" or a "regulated project". Project proponents and Planning and Building Applicants are urged to consult early in the project planning stage with the Planning department to determine the exact requirements of the project, if any. The Planning Department must review and approve all planning, grading and building project applications to ensure compliance with stormwater requirements.

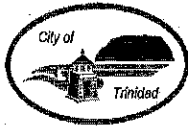
The post-construction requirements identify appropriate design criteria to control the volume, rate, and potential pollutant load of storm water runoff from new development, redevelopment projects, and other projects as required by the MS4 Permit. The standards and guidelines of the Humboldt LID manual must be complied with except to the extent that a more stringent standard is set forth in the Stormwater Ordinance. If there are any conflicts between the Humboldt LID Manual and the express language of the ordinance, the express language of the ordinance shall control.

**Staff Recommendation:** Adopt the Humboldt Low Impact Development Stormwater Manual (LID Manual).

**Attachments:** The LID Manual can be read and/or download here:

<http://www.humboldt.gov/DocumentCenter/View/52096>

City Hall will maintain a hard copy for reference.



## **DISCUSSION AGENDA ITEM 1**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 13 PAGES**

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1. Discussion/Decision regarding Stormwater Control Ordinance 2015-01 – Second Reading.

## **ACTION AGENDA ITEM**

**Date: August 12, 2015**

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### **Item: Stormwater Control Ordinance 2015-01 – 2nd Reading**

This Stormwater Control Ordinance will provide the City with the legal authority to control stormwater that is required as part of our existing permit to discharge stormwater into the Trinidad Bay. The first reading of the ordinance was held on June 30, 2015. The draft ordinance was presented by staff at two earlier Council meetings. This Ordinance is effectively a requirement of our Stormwater Discharge Permit, and something very similar is already in place or being put in place by Cities and Counties throughout the State to help address Stormwater Pollution.

### **Recommended Action:**

Conduct public hearing, approve second reading, and adopt Stormwater Control Ordinance 2015-01.



**TRINIDAD CITY HALL**  
P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570

**Julie Fulkerson, Mayor**  
**Gabriel Adams, City Clerk**



## Ordinance 2015-01

### **Stormwater Control Ordinance**

#### **ORDINANCE ADDING NEW CHAPTER 13.16**

**Section 1.** A new Chapter 13.16 is hereby added to Title 13 Public Services of the City of Trinidad Code (City Code). This Chapter shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the City of Trinidad, and shall be so cited, and which shall read in its entirety; as follows:

### **CHAPTER 13.16**

#### **STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**Sections:**

- 13.16.010 Purpose and Intent**
- 13.16.020 Definitions**
- 13.16.030 Applicability**
- 13.16.040 Responsibility for administration**
- 13.16.050 Severability**
- 13.16.060 Regulatory consistency**
- 13.16.070 Ultimate responsibility of discharger**
- 13.16.080 Prohibition of illicit discharges**
- 13.16.090 Prohibition of illicit connections**
- 13.16.100 Waste disposal prohibitions**
- 13.16.110 Requirements for reducing pollutants in storm water**
- 13.16.120 Authority to adopt and impose best management practices**
- 13.16.130 Post-Construction Requirements**
- 13.16.140 Exempt Projects**
- 13.16.150 Small Projects**
- 13.16.160 Regulated Projects**
- 13.16.170 Requirement to eliminate illicit discharges**
- 13.16.180 Requirement to eliminate or secure approval for illicit connections**
- 13.16.190 Watercourse protection**
- 13.16.200 Requirement to remediate**
- 13.16.210 Requirement to monitor and analyze**
- 13.16.220 Notification of spills**
- 13.16.230 Authority to inspect**
- 13.16.240 Authority to sample, establish sampling devices, and test**
- 13.16.250 Declaration of public nuisance**
- 13.16.260 Notice of violation, fines and penalties**
- 13.16.270 Appeal**
- 13.16.280 Abatement by city**
- 13.16.290 Charging cost of abatement/liens**
- 13.16.300 Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

### **13.16.010      Purpose and Intent.**

The purpose and intent of this Chapter is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage facilities.

### **13.16.020      Definitions.**

A. The terms used in this Chapter shall have the following meanings:

1. "Area of Special Biological Significance (ASBS)" means those areas designated by the State Water Resources Control Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. The Trinidad Head ASBS includes the coastal waters surrounding Trinidad Head from Mill Creek to the north and south to Parker Creek including Trinidad Bay.
2. "Best Management Practices (BMPs)" means activities, prohibitions, practices, or maintenance procedures that prevent or reduce the discharge of pollutants or discharges directly or indirectly to the municipal storm water drainage facilities and waters of the State and/or United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, trash and waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.
3. "City" means the City of Trinidad.
4. "City Manager" means the City Manager or designee.
5. "Clean Water Act" means the federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC § 1251 et seq., and any subsequent amendments thereto.
6. "Coastal Act" means the California Coastal Act of 1976, also known as the Coastal Act.
7. "Construction Activity" means a project that involves soil disturbing activities with the potential to discharge pollutants to the City storm water drainage facility or Waters of the U.S., including but not limited to, clearing, grading, paving, landscaping, and disturbances to ground such as stockpiling, and excavation. Construction activities shall also be defined to include but are not limited to new construction, reconstruction, development, and redevelopment that create or replace impervious surfaces resulting in increased storm water runoff compared to pre-construction activity site conditions.
8. "Discharge of Pollutants" means the introduction of pollutants into the City's storm drainage facilities or any waters of the United States.
9. "Discharger" means the person, corporation, partnership or other entity directly causing or allowing the discharge.
10. "Hazardous Substances" means, without limitation, any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment. Hazardous substances include, but are not limited to, those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in any local, state or federal law or regulation. (California Health and Safety Code §25117).
11. "Humboldt Low Impact Development Stormwater Manual" and "Humboldt LID Manual" means the newest edition of the document that establishes minimum standards and requirements for compliance with the post construction requirements of this ordinance. The City of Trinidad has and continues in an ongoing relationship with Humboldt County and other Humboldt County incorporated cities enrolled in

the MS4 Permit in the development of guidance and requirements for projects within the Humboldt County area. The participating Cities and Humboldt County have prepared a document entitled the Humboldt Low Impact Development Stormwater Manual (Humboldt LID Manual), a copy of which is located on the City of Trinidad website. It is expected that the Humboldt LID Manual will be revised periodically.

12. "Illicit Discharge" means any direct or indirect discharge to the storm water drainage facilities that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water, except as exempted in Section 13.16.080 of this chapter.
13. "Illicit Connection" is defined as either of the following:
  - a. A  
any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain facilities including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water enter the storm drain facilities and any connections to the storm drain facilities from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
  - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain facilities which has not been documented in plans, maps, or equivalent records and approved by the City.
14. "Industrial facilities" or "industrial premise" means locations of activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
15. "Low Impact Development (LID)" means a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, Low Impact Development (LID) takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes.
16. "Maximum Extent Practicable (MEP)" means the minimum required performance standard for implementation of controls to reduce pollutants in storm water. MEP is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner.
17. "MS4 Permit" or "National Pollutant Discharge Elimination System Storm Water Discharge Permit" or "NPDES Permit" means a permit issued pursuant to section 402 of the Clean Water Act, 33 USC, 1342, and administered by the State of California under the authority of the U.S. Environmental Protection Agency, permitting the discharge of pollutants into navigable waters of the United States.
18. "Natural ocean water quality" means water quality standard for a range of pollutants as defined by the ASBS North Coast Regional Monitoring Program or State Water Resources Control Board.
19. "Non-Storm Water Discharge" means any discharge to the storm drain facilities that is not composed entirely of storm water.
20. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind. A pollutant shall also include any increment or increase in the total volume or rate of storm water runoff resulting from any activity or development occurring after the effective date of this chapter in which a storm water limit had been set as a condition of approval.
21. "Pollution" means the human-made or human-induced alteration of the quality of waters by pollutant(s) to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).
22. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended

(California Water Code §13000 et seq.).

23. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
24. "Runoff area" means an area where surface flows could drain into the storm drainage facility or adjacent area or water course.
25. "Storm drainage facilities" means the storm and surface water drainage systems comprised of storm water control facilities and any other natural facilities which store, control, treat and/or convey storm and surface water. Storm drainage facilities shall include all natural and constructed elements used to convey storm water from the first point of contact with the surface of the earth to a suitable receiving body of water or location, internal or external, to the boundaries of the City. They shall include: pipes, appurtenant features, culverts, streets, curbs, gutters, pumping stations, channels, streams, ditches, wetlands, detention/retention basins, ponds, and other storm water conveyance and treatment facilities whether public or private.
26. "Storm Water" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt, surface runoff and drainage.
27. "Watercourse" means a natural or artificial channel through which water flows.
28. "Waters of the United States" means surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

**13.16.030      Applicability.**

This chapter shall apply to all developed and undeveloped lands lying within the City of Trinidad.

**13.16.040      Responsibility for Administration.**

The City Manager of the City shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the City Manager may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**13.16.050      Severability.**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

**13.16.060      Regulatory Consistency.**

This Chapter shall be construed to assure consistency with the requirements of the Coastal Act, the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

**13.16.070      Ultimate Responsibility of Discharger.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore, this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the State and/or U.S. caused by said person. This Chapter shall not create liability on the part of the City of Trinidad, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made there under.

**13.16.080      Prohibition of Illicit Discharges.**

A. No person shall discharge or cause to be discharged into the storm drainage facilities, watercourses

or the ocean any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

- B. Discharges of stormwater into the storm drainage facilities or the waters of the U. S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in California Water Code section 13050 are prohibited.
- C. Non-storm water discharges are prohibited except as provided below.
  - 1. The following non-storm water discharges are allowed everywhere within City limits provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally. This provision does not supersede the authority of the City to effectively prohibit a non-storm water discharge that has been found to alter natural water quality in the ASBS.
    - a. Discharges associated with emergency firefighting operations.
    - b. Foundation and footing drains.
    - c. Water from crawl space or basement pumps.
    - d. Hillside dewatering.
    - e. Naturally occurring groundwater seepage via a storm drain.
    - f. Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.
  - 2. The following non-storm water discharges may be allowed within City limits, except in the runoff area to the portion of the City's storm drainage system which discharges to the ASBS, as shown in Figure 1 as 'ASBS Storm Drain Discharge Area'.
    - a. Exterior washing of personal motorized vehicles by residents on impervious surfaces;
    - b. Uncontaminated incidental runoff from landscaped areas;
    - c. Flushing of water lines and hydrants, or other discharges from potable water sources if the chlorine concentration is less than 1.0 milligrams per liter measured at the point of entry into the storm water drainage facility.
    - d. Draining of uncontaminated water from swimming pools or spas, after the chlorine or other disinfectant concentrate of such water shows a reading of zero concentration on a test kit.
- D. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City of Trinidad for any discharge to the storm drain facilities.
- E. With written concurrence of the Regional Water Quality Control Board, the City of Trinidad may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drainage facilities or to the waters of the U.S.
- F. Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objective in Chapter II of the California Ocean Plan nor alter natural ocean water quality in an ASBS. Penalty, see 13.16.260

**13.16.090      Prohibition of Illicit Connections.**

- A. No person shall install, use or maintain a drain, conveyance, pipe, channel or other connection to the storm water drainage facilities, whether on the surface or subsurface, that may result in the discharge of a pollutant or pollutants into the storm water drainage facilities. For example, such illicit connections include but are not limited to those that could allow sewage, wastewater, pool, spa and wash water to enter the storm water drainage facilities and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the City.

- B. No person shall install, use or maintain a drain or conveyance connected from a commercial or industrial premise to the storm water drainage facilities where such connection or drain is not approved by the City and documented in City records.

Penalty, see 13.16.260

**13.16.100      Waste Disposal Prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drainage facilities, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition.

Penalty, see 13.16.260.

**13.16.110      Requirements for Reducing Pollutants in Storm Water.**

- A. Any person engaging in activities that may result in pollutants entering the City's storm drain facilities or waters of the State and/or U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. Examples of such activities include, but are not limited to, ownership of and use of premises that may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, business enterprises. The owner or operator of commercial or industrial facilities shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm water drainage facilities or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

- B. Notwithstanding other requirements of this chapter, any person performing construction and grading work shall implement BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools and equipment from entering the storm drainage system.

1. BMPs for each project, shall include, but not be limited to the use of the following:

- |    |  |   |
|----|--|---|
| a. | cheduling construction activity                                      | S |
| b. | reservation of natural features, vegetation, and soil                | P |
| c. | rainage swales of line ditches to control storm water flow           | D |
| d. | ulching or hydroseeding to stabilize disturbed soils                 | M |
| e. | rosion control to protect slopes                                     | E |
| f. | rotection of storm drain inlets (gravel bags or catch basin inserts) | P |
| g. | erimeter sediment control (perimeter silt fence, fiber rolls)        | P |
| h. | ediment trap or sediment basin to retain sediment on site            | S |
| i. | tabilized construction exits   | S |
| j. | ind erosion control  | W |
| k. | ther soil loss BMP acceptable to the enforcing agency                | O |
| l. | aterial handling and waste management                                | M |
| m. | uilding materials  | B |

- |    |  |   |
|----|--|---|
| n. | anagement of washout areas (concrete, paints, stucco, etc...)    | M |
| o. | ontrol of vehicle/equipment fueling to contractor's staging area | C |
| p. | ehicle and equipment cleaning performed off site                 | V |
| q. | pill prevention and control                                      | S |
| r. | ther housekeeping BMP acceptable to the enforcing agency         | O |
2. For grading and construction activities subject to a grading and/or building permit, applicant is required to prepare and submit an erosion and sediment control plan with the permit application for the City's review and written approval. The erosion and sediment control plan shall contain appropriate site-specific construction site BMPs that meet the minimum requirements of this Ordinance and the City's grading ordinance, TMC 15.16. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, if necessary. Revisions to the erosion and sediment control plan must be approved by the City.

- C. Any person subject to an industrial or construction NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Manager prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Penalty, see 13.16.260.

#### **13.16.120      Authorization to adopt and impose Best Management Practices**

The City may adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where BMP requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

#### **13.16.130      Post construction requirements**

The primary objective of these Post-Construction Stormwater Management Requirements (hereinafter, Post-Construction Requirements) is to ensure the reduction of pollutant discharges and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued by the City.

The City will adopt standards identifying appropriate design criteria to control the volume, rate, and potential pollutant load of storm water runoff from new development, redevelopment projects, and other projects as required by the State Water Resources Control Board NPDES MS4 General Permit. The City may incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions required by the current Humboldt Low Impact Development Stormwater Manual (Humboldt LID Manual) or as directed by the City Manager.

The standards and guidelines of the Humboldt LID Manual must be complied with except to the extent that a more stringent standard is expressly set forth herein. If there are any conflicts between the Humboldt LID Manual and the express language of this ordinance, the express language of this ordinance shall control.

#### **13.16.140      Exempt Projects**

- A. Exempt Projects not subject to the Post-Construction Requirements may include the following: Interior remodels and routine maintenance or repair; reroofing of an existing building; asphalt or paving overlays or resurfacing of existing surfaces, however work that replaces existing surfaces down to subgrade are not exempt; single family homes that create or replace less than 2500 square feet; certain Linear Underground projects may be exempt.
- B. Exempt Projects are required to submit a Stormwater Information Sheet with a planning or building permit application, as described in the Humboldt LID Manual.

#### **13.16.150      Small Projects**

- A. Small Projects are projects that create and/or replace (including projects with no net increase in impervious footprint) between 2,500 square feet and 5,000 square feet of impervious surface, including detached single family homes that create and/or replace 2,500 square feet or more of impervious surface and are not part of a larger plan of development. Site design measures as specified in this section are not applicable to linear underground/overhead projects (LUPs).include the following:
- B. Small Project proponents shall meet the application requirements in the Humboldt LID Manual. Application submittals include a Stormwater Information Sheet, the Stormwater Control Plan for Small Projects/Single-Family Homes, shall quantify the runoff reduction resulting from implementation of site design measures using the LID Manual Small Projects Calculator and implement one or more of the following site design measures to reduce project site runoff:
  - 1. Stream Setbacks and Buffers - a vegetated area including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake reservoir, or coastal estuarine area;
  - 2. Soil Quality Improvement and Maintenance - improvement and maintenance soil through soil amendments and creation of microbial community;
  - 3. Tree Planting and Preservation - planting and preservation of healthy, established trees that include both evergreens and deciduous, as applicable;
  - 4. Rooftop and Impervious Area Disconnection - rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer;
  - 5. Porous Pavement - pavement that allows runoff to pass through it, thereby reducing the runoff from a site and surrounding areas and filtering pollutants;
  - 6. Green Roofs - a vegetative layer grown on a roof (rooftop garden);
  - 7. Vegetated Swales - a vegetated, open-channel management practice designed specifically to treat and attenuate storm water runoff;
  - 8. Rain Barrels and Cisterns - system that collects and stores storm water runoff from a roof or other impervious surface.

#### **13.16.160      Regulated Projects**

Regulated Projects are subject to the Post-Construction Requirements and shall implement standards to effectively reduce runoff and pollutants associated with runoff.

- A. Regulated Projects as defined below.
  - 1. Regulated Projects create and/or replace 5,000 square feet or more of impervious surface. Regulated Projects do not include Linear Underground Projects (LUPs) unless the LUP has a discrete location that has 5,000 square feet or more of newly constructed contiguous impervious surface.
  - 2. Regulated Projects include development projects. Development includes new and redevelopment projects on public or private land that fall under the planning and permitting authority of a Permittee. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. Redevelopment does not include trenching, excavation and resurfacing associated with LUPs; pavement grinding and resurfacing of existing roadways; construction of new sidewalks,



- pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.
- B. Regulated Projects are required to implement measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management as defined in the *Humboldt LID Manual*.
1. Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law. These include discretionary permit projects that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals. Discretionary projects that have been deemed complete prior to June 30, 2015 are not subject to the Post-Construction Standards herein. For the City's Municipal Regulated Projects, the effective date shall be the date their governing body or designee approves initiation of the project design.  
  
Municipal Development Projects - The City shall develop and implement an equivalent approach, to the approach used for private development projects, to apply the most current version of the low impact development runoff standards to applicable public development projects, to the extent allowable by applicable law.
  2. Source Control Measures: Regulated Projects with pollutant-generating activities and sources shall be required to implement standard permanent and/or operation source control measures as applicable. Measures for the following pollutant generating activities and sources shall be designed consistent with recommendations from the current Humboldt LID Manual or current CASQA Stormwater BMP Handbook for New Development and Redevelopment or equivalent manual, and include:
    - a. Accidental spills or leaks
    - b. Interior floor drains
    - c. Parking/storage areas and maintenance
    - d. Indoor and structural pest control
    - e. Landscape/outdoor pesticide use
    - f. Pools, spas, ponds, decorative fountains, and other water features
    - g. Restaurants, grocery stores, and other food service operations
    - h. Refuse areas
    - i. Industrial processes
    - j. Outdoor storage of equipment or materials
    - k. Vehicle and equipment cleaning
    - l. Vehicle and equipment repair and maintenance
    - m. Fuel dispensing areas
    - n. Loading docks
    - o. Fire sprinkler test water
    - p. Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources
    - q. Unauthorized non-storm water discharges
    - r. Building and grounds maintenance
  3. Low Impact Development Standards: All Regulated Projects shall follow the standard and steps to compliance found in the Humboldt LID Manual, implement low impact development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management to the extent feasible, and to meet the Bioretention Design Criteria for Storm Water Retention and Treatment.

#### **13.16.170      Requirement to eliminate illicit discharges**

Notwithstanding the requirements of this chapter, the City Manager may require by written notice that a person responsible for an illicit discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

**13.16.180      Requirement to eliminate or secure approval for illicit connections**

- A. The City Manager may require by written notice that a person responsible for an illicit connection to the storm drain facilities comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter.
- B. If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request city approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

**13.16.190      Watercourse protection**

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. Penalty, see 13.16.260.

**13.16.200      Requirement to remediate**

Whenever the City Manager finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, storm drainage facilities, or water of the state and/or U.S., the City Manager may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a time specified in said notice.

**13.16.210      Requirement to monitor and analyze**

The City Manager may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illicit discharges, and/or non-storm water discharges to the storm drain facilities or waters of the state and/or U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the city as deemed necessary to determine compliance with this chapter.

**13.16.220      Notification of spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain facilities, or water of the state and/or U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City Clerk in person, by phone or facsimile no later than 2:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City Clerk within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial facility, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Penalty, see 13.16.260

**13.16.230      Authority to inspect**

Whenever necessary to make an inspection to enforce any provision of this chapter or whenever the City Manager, has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the City Manager may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

**13.16.240      Authority to sample, establish sampling devices, and test**

During any inspection as provided herein, the City Manager may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**13.16.250      Declaration of public nuisance.**

Violations of this chapter are hereby declared a public nuisance subject to the City's Nuisance Abatement Chapter, TMC 8.12.

**13.16.260      Notice of violation, fines and penalties**

In addition to the remedies provided in the City's Nuisance Abatement Ordinance, TMC Chapter 8.12, violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Chapter TMC 1.08. Each separate day in which a violation exists shall be considered a separate violation.

Whenever the City Manager finds that a person has violated a prohibition or failed to meet a requirement of this chapter may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs;
- F. Payment of penalties; and
- G. The implementation of source control or treatment BMPs.

**13.16.270      Appeal**

Notwithstanding the provisions of 13.16.280 below, any person receiving a Notice of Violation under 13.16.260 above may appeal the determination of the City Manager to the City Council. The notice of appeal must be received by the City Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place at the next regularly scheduled meeting after the date of the city's receipt of the notice of appeal. The decision of the City Council shall be final.

**13.16.280      Abatement by City**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under 13.16.270, within ten days of the decision of the City Council upholding the decision of the City Manager, then the city or a contractor designated by the City Manager shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above. Penalty, see 13.16.260

**13.16.290      Charging cost of abatement/liens**

- A. Within 30 days after abatement of the nuisance by the City, the City Manager shall notify the property owner of the abatement cost, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.
- B. If the amount due is not paid within ten days of the decision of the City Council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

**13.16.300      Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

Passed, approved, and adopted at a special meeting of the City Council of the City of Trinidad, on the 12th day of August, 2015, by the following roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Attest:

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**Gabriel Adams**  
Trinidad City Clerk

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**Julie Fulkerson**  
Mayor

**First Reading:**            Tuesday, June 30, 2015

**Second Reading:**



## **DISCUSSION AGENDA ITEM 2**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES**

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2. Discussion/Decision regarding Planning Commissioner Appointment.

## DISCUSSION AGENDA ITEM

Wednesday, August 12, 2015

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**Item:** Discussion/Decision Regarding Planning Commissioner Appointment.

**Background:** The recent resignation of Commissioner Chuck Vanderpool has left the Commission with one vacant position for a term through December 2018.

The current commissioners are:

Chair: Mike Pinske	resident
Diane Stockness	resident
Kathleen Lake	resident
Richard Johnson	Trinidad area resident

As of the Wednesday, August 05 deadline, the city received (4) letters of interest for (1) vacant position from **Lisa Espejo, Katherine Wayne, John Graves, and Ron Zemel**. The applicants all live outside the city limits but within the greater Trinidad area.

Under the current ordinance, the Planning Commission is allowed (2) non-residents to serve under certain conditions, as described below...

*In the event there are no acceptable applicants from within city limits, the city council may appoint up to two members who need not be residents of the city of Trinidad, but reside within the greater Trinidad area as defined as the area in Humboldt County north of Little River and south of Big Lagoon.*

**Recommended Action:** Appoint (1) member to the Planning Commission for the remaining term through December 2018.

**Attachments:**

- (4) Letters of Interest

July 30, 2015

Trinidad City Council  
409 Trinity Street  
Trinidad, CA 95570

I am interested in filling the vacancy of Planning Commissioner for the City of Trinidad. I hold a Bachelor of Science degree in Urban and Regional Planning from California State Polytechnic University, Pomona. My work experience can be reviewed in an attached Curriculum Vitae (CV).

I have lived in the Greater Trinidad area for six years. For the past five years I have been employed in the maintenance department at Patrick's Point State Park. In this time I have been using my planning experience everyday in a volunteer capacity working with our community towards bringing a recreational facility with a skatepark to Trinidad.

I understand the criteria to serve on the Planning Commission requires each commissioner live within town limits, but in the event no such applicant is available two residents of the Greater Trinidad area may serve. At this time I ask the council to please take me into consideration for one of these positions.

Respectfully,

Lisa Espejo  
4175 Patricks Point Drive  
Trinidad, CA 95570

**Lisa Espejo**  
**PO Box 65**  
**Trinidad, CA 95570**  
**707.601.7792**  
**espejolisa@gmail.com**

**Education**

June 2008	Bachelor of Science, Urban and Regional Planning California State Polytechnic University, Pomona
May 2005	Associate of Science, General Education Citrus Community College

**Experience – Employment**

05/2011 to present	State of California Department of Parks and Recreation Patrick's Point State Park Trinidad, CA Senior Maintenance Aide
08/09 to 05/2011	Murphy's Market Trinidad, CA Deli Worker/Cashier
03/09 to 08/09	Cher-Ae Heights Casino Trinidad, CA Line Cook
10/08 to 11/08	Olsen, Hagel, and Fishburn Sacramento, CA Political Organizer
04/08 to 04/08	Mountain Song Natural Foods Mount Shasta, CA Sales Associate
07/97 to 03/08	Vitamin City Health Food San Dimas, CA Sales Associate/Manager Pro-tem



06/07 to 03/08	Department of Cultural Affairs Public Art Division City of Los Angeles Los Angeles, CA Murals Assistant/ City Art Collection Assistant
04/07 to 06/07	City of Perris Planning Department Perris, CA Planning Intern
05/06 to 08/06	Amigos de los Rios El Monte, CA Planning Intern
06/05 to 09/05	Los Angeles County Metropolitan Transportation Authority Los Angeles, CA Administrative Intern

#### **Experience – Volunteer**

2/05 to 4/05	Planning Department, City of Pomona (Conducted historical documentation research for the City of Pomona)
9/96 to 12/96	Mt. San Antonio Community College Wildlife Sanctuary, Walnut, CA (Conducted guided tours of sanctuary)

#### **Achievements**

6/02	Second Place, Short Story Competition Journalism Association of California Colleges
6/02	Honorable Mention, Journalism Interview Journalism Association of California Colleges
12/02	"Memoirs," Article Published in <i>Vietnam War Journal</i> , Volume 2, No. 2
12/03	Honorable Mention, Feature Article Journalism Association of California Colleges

### **Field Related Academic Work**

- Contributed to the research and creation of a Transportation Mobility Plan for the City of Pasadena, and presented said plan to the Transportation Advisory Committee upon completion
- Represented research group in final project presentation to Mayor Pro Tem, City Council and City Planners of Buena Park
- Collected data and completed Primary Records and Building Structure documents for the city of Buena Park in accordance to State of California requirements

### **Relevant Courses completed**

Foundations of Environmental Design  
Planning Design Awareness  
Communication Graphics for Planning  
Urban Planning: Processes and Theory  
Research Design Processes  
Urban Growth Management  
Urban Land use Planning  
Planning Public Infrastructure  
Planning Policy Processes  
Intergovernmental Framework for Planning  
Institutional Framework for Planning  
Global Regenerative Systems  
Organization for Regenerative Practices  
Intro to Native American Studies  
Natural Resources Agency Planning Methods  
Grant Proposal Writing

KATHERINE J. WAYNE  
Post Office Box 809  
Trinidad, California 95570  
707.677.3742

RECEIVED JUL 29 2015

July 28, 2015

To the City Council of the City of Trinidad:

Please consider this as my application to become a member of the Trinidad Planning Commission. While I know the first priority is to have someone from within the city limits on the commission, I understand that if there is no such candidate selected, someone from within the greater Trinidad limits can be appointed.

My husband and I have lived in the greater Trinidad area for ten and a half years, the first seven and a half on Patricks Point Drive and the last three in Westhaven. While on Patricks Point Drive (and for a year after I moved), I was the manager of our neighborhood's nine-family water district. I am just retiring from a 41-year career as a court reporter. I have been a member of the Trinidad Civic Club since I moved here, serving on the board and as auditor, as well as being a member of the Patricks Point Garden Club. I am currently serving on the Greater Trinidad Chamber of Commerce board for the second time. I have worked at the FishFest for all ten years I've lived here, the last seven running the ticket booth, and have run the multi-day registration for the Trinidad to Clam Beach Run Honoring Ford Hess for the last seven years.

This February, my 83-year-old mother moved from the Bay area into a home she bought and renovated on Ocean View. As a full disclosure, she just had her plans approved by the Planning Commission to tear down the building behind her house which was a vacation rental and build a smaller guest suite/caretaker's unit. I was impressed with the work of the commission when I attended the meeting.

Thank you for considering my application.



Katherine Wayne

Personal references:

Patti Fleschner  
Anne Odom  
Patty Stearns

Business references:

Andy Stunich, Esquire  
Tim Needham, Esquire  
Peter Martin, Esquire

## City of Trinidad

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**From:** John Graves [johng1949@suddenlink.net]  
**Sent:** Thursday, July 30, 2015 9:30 AM  
**To:** cityclerk@trinidad.ca.gov  
**Cc:** Julie Fulkerson  
**Subject:** Planning Commission Vacancy attn Gabe Adams  
**Importance:** High

Hello, Gabe.

I would like to apply for the vacant position on the Trinidad Planning Commission. While I do not live within the City Limits, I do reside within the Greater Trinidad Area. Our home at 677 Driver Road is north of Little River, behind Moonstone Beach in a neighborhood referred to as "Moonstone Heights".

Regarding my qualifications, I served for 16 years on Arcata's Planning Commission and was elected chair of the Commission for 6 consecutive one-year terms. During my time as Chair, I helped write a new City General Plan and was heavily involved in the writing of the city Land Use Code. I chaired numerous public hearings on a wide array of land use issues.

Prior to working on the Arcata General Plan, I either chaired or participated in updating various elements of the old General Plan, including the Housing Element. For my work on the Commission, I received certificates of recognition from the City of Arcata (2000 & 2007), the California State Senate (2000 & 2007), the California State Assembly (2000 & 2007), and the United States Congress (2007).

I have been a Humboldt County resident for over 43 years, and graduated from Humboldt State University with a degree in Political Science (1975). My wife and I have lived on Driver Road for a little under 3 years. I own and operate J.Garland Communications, an Advertising Agency and Political Campaign Consulting firm.

My reason for applying is my love of the area and a desire to preserve and maintain the character of Trinidad and its surrounding area, particularly its natural resources.

Respectfully,  
John

***John Garland Graves***

***<http://www.jgarlandcommunications.com/>***

***677 Driver Road,***

***Trinidad, CA. 95570***

***Home: 707-677-5022***

***Office: 707-677-5179***

***Cell: 707-616-5180***

8/5/2015

## City of Trinidad

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**From:** Ron Zemel [rzemel3@gmail.com]  
**Sent:** Monday, August 03, 2015 4:29 PM  
**To:** City of Trinidad  
**Subject:** Re: PC Letter of Interest

My name is Ron Zemel. I moved to Humboldt County in 1978. In 1988 I purchased my property at 489 N. Westhaven Dr. This has been my home now for all those years. When I say home I include the City of Trinidad. I wouldn't necessarily have moved here if it wasn't for this beautiful seaside village. I live around 1/4 mile outside the City limits. I receive my mail at the post office, I regularly shop for groceries in town and go out to eat at our local restaurants. I care about Trinidad and know that the commissioners play an important role in the maintenance and future development of it.

For around 25 years I was involved in construction as a licensed general contractor. From 2003 to 2013 I was employed as a plans examiner/building inspector for lake County, City of Fortuna and just before I retired building Official for the City of Trinidad. My job required me to work side by side with the planning dept. on many issues.

Trinidad has given me much over the years and I hope in some small way I'm able to give back.

Sincerely  
Ron Zemel  
489 N. Westhaven Dr.  
Trinidad, CA. 95570

677-3577

Sent from my iPad

> On Aug 3, 2015, at 2:32 PM, City of Trinidad <cityclerk@trinidad.ca.gov> wrote:

>

> Send back a letter of interest to this address for me.

>

> Gabriel Adams

> Trinidad City Clerk

> P.O. Box 390

> 409 Trinity Street

> Trinidad, CA 95570

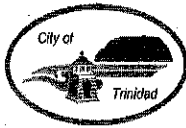
> Ph: 707.677.0223

> Fax: 707.677.3759

> www.trinidad.ca.gov

>

>



## **DISCUSSION AGENDA ITEM 3**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    2 PAGES**

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3.    Discussion/Decision regarding Establishing a Design Recognition Committee to Recognize Quality Community Design

**Item: Establish a Design Recognition Committee with the task of recognizing quality community design.**

**Background:** Trinidad has an active citizenry in countless ways. Residents care about their community and work to maintain attractive landscaping, housing, retail and community spaces. We presented these original designations in 2011.

It is easy to look at what is missing, what doesn't work and where the messes are. It is, therefore, important to recognize Good Work of a community. By doing so, we recognize the talents and efforts of our citizenry. This process would recognize work of citizens to enhance the visual appearance of the village and improve first impressions of visitors.

Trinidad's "Shared Community Vision Statement" emphasizes "Trinidad as a rural, coastal community nestled in the forest along the Pacific...is clean and well-maintained...there are small shops in a quaint rural business district. "

**Proposal:**

A citizen's committee of five members, selected by the Council will meet to determine which residents, households and businesses best achieve high standards of design reflecting the values of the Village of Trinidad.

**Categories for awards:**

- Outstanding Alley Design and Maintenance
- Outstanding Retail Store and Landscaping Design
- Outstanding Commercial Signage
- Outstanding "Fishing Village" Exterior Remodel
- Outstanding Secondary Unit Design
- Outstanding Coastal and Native Plant Landscaping
- Outstanding Energy Efficiency Remodel
- Outstanding Vacation Dwelling Unit Design

**Pool of possible awardees:**

Locations within the City limits of Trinidad.

**Process for selection:**

There will be no official nomination process, although residents are encouraged to suggest candidates/addresses for consideration. Names and addresses of potential awardees may be submitted to the Design Award Committee for consideration.

Committee members will individually tour/walk the City of Trinidad in order to consider all potential award candidates. Members will gather information and bring to the committee for consideration.

Awards will be made at a City Council Meeting within two months of appointment of the Award Committee. Awardees will be invited to attend. Digital images of award winners will be included during the presentation.

**Qualities of Design and Trinidad Village Enhancement for the Committee to consider:**

**Community Enhancement:**

- Enhances the sense of community pride
- Strengthens self-image and identity of Trinidad
- Increases potential for community/family/individual participation

**Human Scale and Richness:**

- Appeals to the intellect, emotions, senses and spirit
- Pleasing to the eye and mind

**Environmental Sensitivity:**

- Connects to its surroundings
- Improves the quality of the environment of which it is a part

**Urban Greenscape:**

- Protects and adds to native habitats, natural landforms, nature space, and connecting pathways

**Sustainability:**

- Addresses energy use as well as economic, social, cultural and ecological concerns
- Contributes to wise and responsible use of natural resources

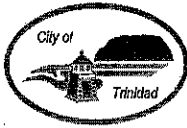
**Regional Character:**

- Helps people understand the significance of this area including its natural and cultural history
- Retains and enhances nature views, natural aesthetics, sacred areas, and historic sites that define the Trinidad region

Resources: Trinidad's Draft General Plan, Vision Statement and City of Spokane's "15 Qualities of Good Design"

**Suggested Action:** Appoint individuals to the five-member Design Recognition Committee and direct them to bring award recommendations back to the Council.





## **DISCUSSION AGENDA ITEM 4**

**SUPPORTING DOCUMENTATION FOLLOWS WITH:    7 PAGES**

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4.    Discussion/Decision regarding Proposed Extension of Ordinance 2015-02; Temporary Moratorium on Issuance of Vacation Dwelling Unit Permits.

## AGENDA ITEM

Date: August 12<sup>th</sup> 2015

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**Item:** CONSIDERATION OF EXTENDING URGENCY ORDINANCE 2015-03, AN INTERIM URGENCY ORDINANCE OF THE CITY OF TRINIDAD MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON ACCEPTANCE OF NEW LICENSE APPLICATIONS FOR OPERATING A VACATION DWELLING UNIT

**Summary:** At the June 30<sup>th</sup> 2015 Council Meeting the Council adopted an urgency ordinance placing a temporary moratorium on permitting new vacation dwelling units. Under the state code governing urgency ordinances, this initial action was limited to 45 days. In order to keep the moratorium in place while the City works on a long term solution, the Council must act to extend the ordinance. This proposed extension would provide another six months. One additional extension after this for an additional year is allowed under the governing code.

The process and requirements for local governments to use an Interim Urgency Ordinance are defined in Government Code Section 65858. Relevant requirements and limitations include:

- The City can only utilize this power if it makes findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional VDU Business Licenses would result in that threat to public health, safety, or welfare.
- The City must actively use the time provided by the Urgency Ordinance to study the threat and develop a 'regular' (non-urgency) approach to address the Ordinance.
- Approval of an Urgency Ordinance requires a four fifths vote of the City council.
- This initial Urgency Ordinance would be in effect for 45 days, but it can be extended by subsequent Council action for 10 months and 15 days, and then again for another year.
- The Urgency Ordinance goes into effect immediately upon approval.

The VDU Committee of Councilmembers West and Winnett have held one public meeting since the initial moratorium went into effect. A report on their efforts will be presented at the August 12<sup>th</sup> Council meeting.

### **Required Findings:**

In order to approve this Urgency Ordinance the Council must find that there is a 'current and immediate threat to public welfare' that would result from not passing this Urgency Ordinance. Staff sees that threat best summarized as the effects on the welfare of the community that would result from more homes being converted from residences for Trinidad's citizens to vacation rentals during the time that it would take for a regular ordinance option to be developed and go into effect. Those effects are described above and summarized briefly in the Ordinance itself.

### **Impacts to City**

The City will be forgoing potential increases in TOT revenue that could result from additional vacation rentals, although this could be balanced somewhat if existing VDUs can increase rates and/or are able to absorb increased demand by making more bookings.

**Impacts to Existing Vacation Rentals**

If this Urgency Ordinance is approved, anybody who has not submitted a complete VDU License Application prior to this date will be unable to obtain a license while the moratorium remains in effect.

City staff has sent three separate letters this spring notifying VDU owners and operators that they must have an application submitted prior to June 30<sup>th</sup> in order to continue operating as of July 1<sup>st</sup> 2015. This requirement is independent of the Urgency Moratorium, as all City Business Licenses require annual renewal for each new fiscal year (July-June).

Existing VDUs may see some small benefit from a limit on new competitors.

**Staff Recommendation:**

Consider approval of the Proposed Extension of Urgency Ordinance 2015-03, an Interim Urgency Ordinance of the City of Trinidad Making Findings and Establishing a Temporary Moratorium on Acceptance of New License Applications for Operating a Vacation Dwelling Unit.

**TRINIDAD CITY HALL**

P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

*Julie Fulkerson, Mayor  
Gabriel Adams, City Clerk*



Date: July 27, 2015

## **PUBLIC HEARING NOTIFICATION**

# **PROPOSED EXTENSION OF ORDINANCE 2015-02; TEMPORARY MORATORIUM ON ISSUANCE OF VACATION DWELLING UNIT PERMITS**

*The City Council of the City of Trinidad will conduct a Public Hearing on the proposed action of extending the applicable length of Ordinance 2015-02 from forty-five (45) days to six (6) months. This notification is being made pursuant to Government Code Section 65090.*

**Date: Wednesday, August 12, 2015**  
**Time: 6:00pm**  
**Location: Trinidad Town Hall**

Trinidad Residents, property owners, and other interested parties are encouraged to attend and participate in the hearing.

A copy of Ordinance 2015-02 is available for public review at Town Hall and online at [www.trinidad.ca.gov](http://www.trinidad.ca.gov).

**TRINIDAD CITY HALL**

P.O. Box 390  
409 Trinity Street  
Trinidad, CA 95570  
(707) 677-0223

**Julie Fulkerson, Mayor**  
**Gabriel Adams, City Clerk**



**ORDINANCE NO. 2015-02**

**INTERIM URGENCY ORDINANCE OF THE CITY OF TRINIDAD MAKING FINDINGS AND  
ESTABLISHING A TEMPORARY MORATORIUM ON ACCEPTANCE OF NEW LICENSE  
APPLICATIONS FOR OPERATING A VACATION DWELLING UNIT**

The City Council of the City of Trinidad does ordain as follows:

**SECTION 1. Interim Urgency Ordinance**

This is an Interim Urgency Ordinance necessary for the immediate preservation of the public peace, health, and safety. The City Council finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of use permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. This Interim Urgency Ordinance shall go into effect immediately.

**SECTION 2. Findings and Declarations**

The City Council finds and declares the following facts constituting this necessity are as follows:

- a. There has been a steady increase in the number of short-term vacation rentals in the City of Trinidad over the past 15 years;
- b. The proportion of homes in the City being used primarily as vacation rentals has gone from about 5% of the total dwelling units in the City in 2000 to approximately 18% in 2014.
- c. A City Ordinance regulating some aspects of vacation rentals went into effect in 2015, but this Ordinance does nothing to limit the overall number of vacation rentals in Trinidad;
- d. Vacation rentals have the potential to alter the residential character of neighborhoods with impacts related to traffic, parking, noise, occupancy, septic system capacity, housing availability, real estate prices, neighborhood character, city population, the availability of citizens to participate in the community; and the quality of life in the City of Trinidad;
- e. Residents have indicated growing concern over the impacts and number of short-term vacation rentals and the increased number of homes becoming vacation rentals; and have called on the City to find a balance between residential and vacation rental uses;
- f. In the absence of an urgency moratorium, any effort by the City to develop new limitations on Vacation Dwelling Units will not take effect for over a year due to the timeline for Coastal Commission review of City Land Use changes, during which time the City will have no ability to prevent further conversion of residences to vacation rentals; and
- g. A moratorium is necessary to allow the City time to study the matter further and develop options to limit the number of VDU permits issued each year.

**SECTION 3. Definition of Short-Term Vacation Rentals**

The term "short-term vacation rental" means and applies to every person carrying on the business of renting residences or apartments for a period of less than 30 days. The term does not apply to hotels, motels, campgrounds, bed and breakfasts with an onsite host, or other such commercial establishments.

**SECTION 4. Moratorium on the Acceptance of New VDU Business License Applications for the Purpose of Short-Term Vacation Rentals**

A moratorium on the acceptance and processing of VDU business licenses for the purpose of short-term vacation rentals is hereby in effect for ~~an additional 6 months from the effective date of this Ordinance~~. The City shall accept no VDU business license applications during this period.

**SECTION 5. No Effect on Current VDU Business Licenses or VDU Business Licenses Applications Received Prior to this Ordinance Taking Effect**

This Interim Urgency Ordinance in no way affects any current valid VDU License, or any VDU license application received by the City as of the effective date of this Ordinance. The City will process and issue VDU Licenses based on complete applications received prior to the effective date of this Ordinance.

**SECTION 6. Property Transfers and Existing VDU Business Licenses.**

If a property with a valid VDU license goes through a change in ownership during this moratorium, the new owner may amend the existing VDU license to reflect the change in ownership and continue operation assuming all conditions and requirements of said license are fulfilled.

Passed, approved, and adopted at a special meeting of the City Council of the City of Trinidad, on the 12th day of August, 2015, by the following roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Attest:

\_\_\_\_\_  
**Gabriel Adams**  
Trinidad City Clerk

\_\_\_\_\_  
**Julie Fulkerson**  
Mayor

**Government Code § 65858. Interim ordinance; adoption or extension; expiration; subsequent ordinances; definitions**

(a) Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. That urgency measure shall require a four-fifths vote of the legislative body for adoption. The interim ordinance shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may extend the interim ordinance for 10 months and 15 days and subsequently extend the interim ordinance for one year. Any extension shall also require a four-fifths vote for adoption. Not more than two extensions may be adopted.

(b) Alternatively, an interim ordinance may be adopted by a four-fifths vote following notice pursuant to Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption. After notice pursuant to Section 65090 and public hearing, the legislative body may by a four-fifths vote extend the interim ordinance for 22 months and 15 days.

(c) The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare. In addition, any interim ordinance adopted pursuant to this section that has the effect of denying approvals needed for the development of projects with a significant component of multifamily housing may not be extended except upon written findings adopted by the legislative body, supported by substantial evidence on the record, that all of the following conditions exist:

(1) The continued approval of the development of multifamily housing projects would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.

(2) The interim ordinance is necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).

(3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

(d) Ten days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(e) When an interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically terminate and be of no further force or effect upon the termination of the first interim ordinance or any extension of the ordinance as provided in this section.

(f) Notwithstanding subdivision (e), upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.

(g) For purposes of this section, "development of multifamily housing projects" does not include the demolition, conversion, redevelopment, or rehabilitation of multifamily housing that is affordable to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or that will result in an increase in the price or reduction of the number of affordable units in a multifamily housing project.

(h) For purposes of this section, "projects with a significant component of multifamily housing" means projects in which multifamily housing consists of at least one-third of the total square footage of the project.

**Government Code § 65090. Public Notice for Plans**

(a) When a provision of this title requires notice of a public hearing to be given pursuant to this section, notice shall be published pursuant to Section 6061 in at least one newspaper of general circulation within the jurisdiction of the local agency which is conducting the proceeding at least 10 days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least 10 days prior to the hearing in at least three public places within the jurisdiction of the local agency. [...]



# The Times-Standard

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Eureka, CA 95502  
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legals@times-standard.com

2096495

CITY OF TRINIDAD - CLASSIFIED  
PO BOX 390  
TRINIDAD, CA 95570

## PROOF OF PUBLICATION (2015.5 C.C.P.)

### STATE OF CALIFORNIA County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Numbers 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit,

8/2/2015

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,  
This 5th day of August, 2015

*[Signature]*

Legal No. 0005541690

#### PUBLIC HEARING

##### PROPOSED EXTENSION OF ORDINANCE 2015-02; TEMPORARY MORATORIUM ON ISSUANCE OF VACATION DWELLING UNIT PERMITS

The City Council of the City of Trinidad will conduct a Public Hearing on the proposed action of extending the applicable length of Ordinance 2015-02 from forty-five (45) days to six (6) months. This notification is being made pursuant to Government Code Section 65090.

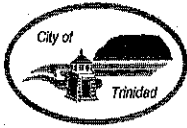
Date: Wednesday, August 12, 2015  
Time: 6:00pm  
Location: Trinidad Town Hall

Trinidad Residents, property owners, and other interested parties are encouraged to attend and participate in the hearing.

A copy of Ordinance 2015-02 is available for public review at Town Hall and online at [www.trinidad.ca.gov](http://www.trinidad.ca.gov).  
8/2/2015

RECEIVED AUG 6 7 2015

COPY



## **DISCUSSION AGENDA ITEM 5**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 15 PAGES**

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5. Discussion/Decision regarding City of Trinidad Inclusion in the California HERO Program.

City of Trinidad  
August 12<sup>th</sup> 2015  
Action Agenda

**Subject:** Resolutions Consenting to Inclusion of the City of Trinidad Properties in the California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority

## **BACKGROUND**

Most of the following report is a template provided to the City. This is a program that has or is currently being adopted by Eureka, Arcata, the County of Humboldt, and other Humboldt Cities. It allows homeowners in Trinidad, should they choose, to participate in special financing programs for a variety of renewable energy projects. There is no obligation to do so, for the City or any of our residents. Redwood Coast Energy Authority Executive Director Matthew Marshall will make a presentation to accompany this item.

California Home Finance Authority ("CHF"), which is in the process of formally changing its name to Golden State Finance Authority, is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA").

CHF has established two Property Assessed Clean Energy ("PACE") financing programs for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use. By offering low cost financing, CHF's PACE programs allow construction of these projects to proceed and, in the process, stimulate building activity and the overall local economy, reduce peak energy demand, increase property values, and generate savings on utility bills for property owners.

CHF contracts with Ygrene Energy Fund CA LLC (Ygrene) to serve as the program administrator and to operate the Ygrene Works for California PACE financing program.

## **PACE Financing Programs**

CHF has established two PACE programs under the legislative authority of two separate California PACE laws:

**SB 555 PACE Community Facilities District:** Senate Bill 555 amended the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code and particularly in accordance with sections 53313.5(l) and 53328.1(a) ("Mello-Roos Act"), to allow for the creation of Community Facilities Districts ("CFDs") for the purpose of financing or refinancing the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property.

Individual properties can be annexed into the district and be subject to the special tax that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the CFD and (ii) each participating owner provides its unanimous written approval for annexation of its property into the PACE CFD.

**AB 811 PACE Contractual Assessment Program:** By the passage of Assembly Bill 811, the California State Legislature added Chapter 29 to the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code. This legislation authorized cities and counties to establish voluntary contractual assessment programs for the purpose financing private property improvements that promote renewable energy generation, energy and water efficiency and electric vehicle charging infrastructure.

As with the SB 555 CFD, properties can be annexed into the AB 811 PACE program and be subject to the property tax assessment that is imposed to repay project financing only if (i) the Council adopts a resolution consenting to the inclusion of parcels in the incorporated areas of the City within the program and (ii) each participating owner consents in writing to the annexation of its property into the PACE program.

#### **JPA ASSOCIATE MEMBERSHIP**

To participate in the PACE programs, the City must become an Associate Member of CHF (JPA Agreement attached). Associate membership requires no dues or other costs to the City, but permits participation in all CHF programs including the PACE program. The attached resolutions approve joining the JPA as an Associate Member. Pursuant to the JPA Agreement and CHF Board Resolution 15-01, the Executive Director has the authority to approve the addition of new Associate Members to the JPA.

#### **PROGRAM AUTHORIZATION BEING SOUGHT**

CHF is in the process of seeking validation judgments for both the SB 555 and the AB 811 programs from the Superior Court for the County of Sacramento. However, CHF intends to only implement ONE of the above PACE programs. Once the court enters the validation judgments, CHF will select the PACE

program it believes will provide property owners with the greatest flexibility. The other PACE program will not be implemented unless changes in the PACE laws warrant changing or adding that option.

In support of CHF's approach, the Council is being asked to pass two resolutions that would approve the following actions:

The first resolution authorizes the City to join the JPA as an Associate Member and permits property owners within the incorporated areas of the City to participate in the CHF SB 555 Community Facilities District.

The second resolution authorizes the City to join the JPA as an Associate Member and permits property owners within the incorporated areas of the City to participate in the CHF AB 811 Authority PACE Program.

Each resolution also authorizes CHF (1) to accept applications from property owners within the City's incorporated area to finance authorized improvements; and (2) to conduct proceedings and levy special taxes or contractual assessments, as applicable, on the property of participating owners.

Following are additional PACE program considerations:

- Supports development of renewable energy sources, installation of energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment.
- Only property owners who voluntarily choose to participate in the program will be subject either to assessments or special taxes, depending on which program CHF decides to implement.
- Program financing provides for an affordable method for many property owners to reduce their energy costs and improve their properties.
- Because program financing can be readily transferred upon sale, even owners who are planning to sell have the ability to make responsible and beneficial improvements to their property.
- While early payment premiums apply in some circumstances, property owners can choose to pay off the program financing at any time.
- The City incurs no financial obligations as a result of program participation.

- Once the Council passes the resolutions, the City will incur no costs, and no staff time is required for administration or funding of the PACE program.

## **RECOMMENDED ACTION**

Staff recommends that the City Council take the following actions:

1. Review and adopt Resolution 2015-05 consenting to Inclusion of Properties within the City's Incorporated Area in the CHF PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving associate membership in CHF.
2. Review and adopt Resolution 2015-06 consenting to Inclusion of Properties within the City's Incorporated Area in CHF Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and approving associate membership in CHF.

## **FISCAL IMPACT**

There are no fiscal impacts associated with the recommended actions. There is no cost to the City to become an associate member of the JPA or by opting into the PACE programs described in this report. The City will have no administrative responsibilities, marketing obligations, or financial obligations associated with the PACE program.

## **ATTACHMENTS**

**Resolution 2015-05**

**Resolution 2015-06**

**California Home Finance Authority Amended and Restated Joint Exercise of Powers Agreement**

**Q: What is the HERO Program, and how does it work?**

A: HERO enables residential and commercial property owners to install energy and water efficient improvements and renewable energy systems by having a special assessment put on their property tax bill. Payments are made through their local county with their property taxes over time.

**Q: What types of home improvements are available under the Program?**

A: Over 150,000 products and services quality. Typical projects include: solar photovoltaic (PV) systems; energy efficient space heating, air cooling and ventilation (HVAC); cool roof systems; energy efficient windows, skylights, and doors; solar thermal water heating; air sealing and weatherization; insulation; water heating; indoor energy efficient light fixtures; and water efficiency measures.

**Q: What are the costs and benefits of joining HERO for my community?**

A: There are no hard costs to joining the HERO program and it does not require any dedicated staff resources to develop or implement the Program. Additionally, your community will see numerous economic benefits including;

- Reduce energy consumption
- Stimulates local businesses
- Creates sustainable jobs
- Lowers greenhouse gas emissions

**Q: Why should we choose HERO compared to another PACE program?**

A: HERO is the nation's fastest-growing PACE program. By choosing HERO, your community is choosing a program with a proven track-record of stimulating economic growth. The program was developed with a network of home improvement contractors who count on HERO to build their businesses. They are creating new jobs everyday and planning on expanding into regions where HERO Financing is offered.

HERO is not an exclusive program so you don't have to choose it over another program. We believe competition is an important benefit to consumers. Not only does it provide options like restaurants, gas stations or banks provide but it also increases overall demand because more companies are working harder to educate consumers on the benefits of a particular type of product or service. When there are multiple options to consider solution providers are forced to continually improve their product if they want to succeed in the marketplace.

**Q: What about Freddie/Fannie/FHFA?**

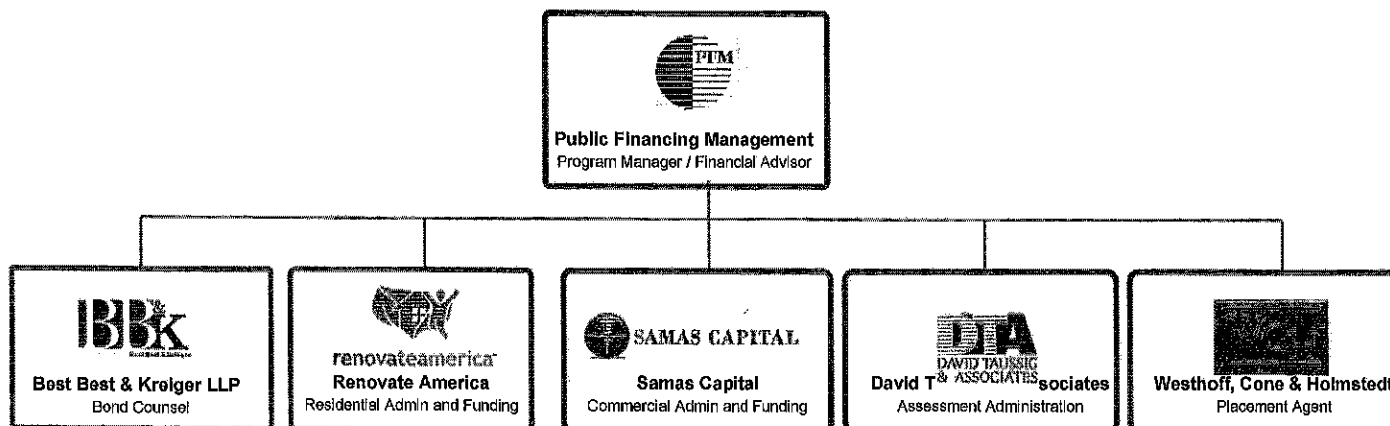
A: PACE legislation was adopted by the State of California to encourage the adoption of energy efficiency, renewable energy and water efficiency measures on homes and businesses. When the legislation was enacted, many people believed PACE was an attractive financing option due to its ability to automatically transfer payments to a new owner if the property sold. Freddie/Fannie/FHFA have indicated that they are not willing to purchase mortgages with PACE assessments on the property, therefore, property owners that sell or refinance to conforming loans may need to repay their assessment.

The HERO Program works within this provision and we have found that property owners are comfortable attending to this if, and when, the situation should arise. For most property owners the most attractive benefits are low interest rates that are fixed, the ability to deduct the interest portion of the payments, the ability to select 5, 10, 15 and 20 year payment terms, and a simple straightforward application and document process to enable them to get the energy efficiency, renewable energy or water efficiency product they are interested in. Being able to transfer the balance of the financing has not proven to be a feature that has impacted a consumer's decision.

Whether or not this provision remains in place or is removed, HERO provides numerous benefits that make PACE an attractive financing option for consumers.

**Q: Who is the HERO Team?**

A: The HERO team is made up of a network of partners who have been working closely since January 2010 on active residential and commercial PACE programs. Each team member is uniquely qualified for their specific role and are industry experts within their field.



**Q: Can the HERO Program be customized to my municipality?**

A: Yes, marketing materials, including the HERO website and contractor training materials, can be co-branded with your municipality's logo and contact information. Additionally, the HERO team will work with your municipality to review all policy considerations.

**Q: Can the HERO Program be integrated with existing municipal programs?**

A: Yes, the HERO Program can be integrated with existing municipal rebate, energy finance, or other PACE programs. Our team will work to implement the Program as a complementary component to other programs.

**Q: How does our community get started?**

A: Below are the process steps for HERO Financing to be offered in your community:

**1 Approve Resolution**

Approval by municipality of the resolution will allow the HERO Program to operate in the municipality. The conduit issuer then completes a corresponding acceptance of the municipality to the Program.

**2 Judicial Validation of City's Participation**

Program legal counsel files judicial validation documents.

**3 Program Marketing and Outreach**

During the program validation phase, team members initiate local marketing efforts and begin outreach to educate local contractors and property owners of funding availability, eligibility and application procedures.

**4 Program Launch**

Upon completion of the validation process, the HERO Program launches and projects are able to apply for and receive funding.





## **RESOLUTION 2015-05**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO**

**WHEREAS**, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

**WHEREAS**, Authority intends to establish the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

**WHEREAS**, City of Trinidad (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

**WHEREAS**, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

**WHEREAS**, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

**WHEREAS**, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

**WHEREAS**, Authority has authority to establish the California HERO Program, which will be such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Trinidad as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the incorporated area of the City in financing the cost of installing Improvements; and

**WHEREAS**, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of

any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of Improvements.

2. This City Council consents to inclusion in the California HERO Program of all of the properties in the incorporated area within the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent and be secured by such contractual assessments.

4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California this 12<sup>th</sup> day of August, 2015.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:

Noes:

Absent:

Abstain:

**Attest:**

---

**Gabriel Adams**  
Trinidad City Clerk

---

**Julie Fulkerson**  
Mayor

**RESOLUTION NO. 2015-06**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO**

**WHEREAS**, the California Home Finance Authority, a California joint powers authority, (the "Authority") has established the Community Facilities District No. 2014-1 (Clean Energy) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the "Act") and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the "District"); and

**WHEREAS**, the purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

**WHEREAS**, the Authority is in the process of amending the Authority Joint Powers Agreement (the "Authority JPA") to formally change its name to the Golden State Finance Authority; and

**WHEREAS**, the City of Trinidad is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

**WHEREAS**, in the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the "Unanimous Approval Agreement"), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

**WHEREAS**, the City wishes to provide innovative solutions to its property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Authorized Improvements; and

**WHEREAS**, the Authority has established the District, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which is attached as Exhibit "A" hereto, to participate in the programs of the JPA and, to assist property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

**WHEREAS**, the City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in the case of delinquencies in the payment of any special taxes in connection with the District.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the Authority CFD No. 2014-1 (Clean Energy) to finance the installation of the Authorized Improvements.

2. This City Council consents to inclusion in the Authority CFD No. 2014-1 (Clean Energy) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority CFD No. 2014-1 (Clean Energy) and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements.

4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority CFD No. 2014-1 (Clean Energy) within the City, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

**PASSED AND ADOPTED BY THE TRINIDAD CITY COUNCIL** of Humboldt County of the State of California this 12<sup>th</sup> day of August 2015.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Trinidad City Council by the following vote:

Ayes:

Noes:

Absent:  
Abstain:

Attest:

---

Gabriel Adams  
City Clerk

Julie Fulkerson  
Mayor

## **EXHIBIT A**

### **AMENDMENT TO THE JOINT POWERS AGREEMENT ADDING CITY OF TRINIDAD AS AN ASSOCIATE MEMBER OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM SERVICES WITH SUCH CITY**

This Amendment to the Joint Powers Agreement ("JPA Amendment") is made and entered into on the 12<sup>th</sup> day of August, 2015, by City of Trinidad ("City") and the Western Riverside Council of Governments ("Authority") (collectively the "Parties").

#### **RECITALS**

**WHEREAS**, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Joint Exercise of Powers Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

**WHEREAS**, as of October 1, 2012, Authority had 18 member entities (the "Regular Members").

**WHEREAS**, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy ("PACE") program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the "Improvements") that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

**WHEREAS**, Authority intends to establish a PACE program to be known as the "California HERO Program" pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

**WHEREAS**, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

**WHEREAS**, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

**WHEREAS**, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

**WHEREAS**, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

#### **MUTUAL UNDERSTANDINGS**

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

##### **A. JPA Amendment.**

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and

consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

**B. Implementation of California HERO Program within City Jurisdiction.**

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur

the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

**C. Miscellaneous Provisions.**

1. Withdrawal. City or Authority may withdraw from this JPA Amendment upon six (6) months written notice to the other party; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments  
4080 Lemon Street, 3rd Floor. MS1032  
Riverside, CA 92501-3609  
Att: Executive Director

City: City of Trinidad

P.O. Box 390

Trinidad, CA 95570

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.



7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

**[SIGNATURES ON FOLLOWING PAGES]**

**Insert Signature Blocks on this page**



## **DISCUSSION AGENDA ITEM 6**

**SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES**

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6. Discussion/Presentation regarding Community Choice Aggregation Presentation from Redwood Coast Energy Authority.

## **ACTION AGENDA ITEM**

**Date: August 12, 2015**

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### **Item: Community Choice Aggregation Presentation**

Matthew Marshall, Executive Director of the Redwood Coast Energy Authority, will make a presentation to the Council regarding Community Choice Aggregation and how the City of Trinidad might participate in such a program.

### **Recommended Action:**

Receive presentation and direct staff to follow up if so desired.